

MAINE STATE LEGISLATURE

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AK
R. of S.

L.D. 1390

(Filing No. H- 528)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1038, L.D. 1390, Bill, "An Act to Strengthen the Public Disclosure of Lobbying Activities"

Amend the bill in section 6 by striking out all of subsection 10 and inserting in its place the following:

'10. Lobbyist. "Lobbyist" means any person who is specifically employed by another person for the purpose of and who engages in lobbying, or any person who, as a regular employee of another person, expends an amount of time in excess of 8 hours in any calendar month in lobbying. ~~"Lobbyist" shall not include an individual who is a partner, associate, member or employee of a partnership, firm, corporation or professional association which has been employed for lobbying when that individual is acting for the lobbyist in representing the employer.'~~

Further amend the bill in section 8 by striking out all of subsection 12 and inserting in its place the following:

'12. Person. "Person" means an individual, business, corporation, proprietorship, joint stock company, business trust, syndicate, association, professional association, labor union, firm, partnership, club or other organization, whether profit or nonprofit, or any municipality or quasi-municipality or group of persons acting in concert, the University of Maine, the Maine Maritime Academy and compensated members or employees of boards and commissions listed in Title 5, chapter 379, but does not include this State, or any agency of this State, ~~the University of Maine System or the Maine Maritime Academy.'~~

Further amend the bill in section 10 in subsection 16 in paragraph C in subparagraph (4) in the first line (page 4, line 27 in L.D.) by inserting after the following: "goods;" the following: 'and'

Further amend the bill in section 10 in subsection 16 in paragraph D in subparagraph (3) in the last line (page 4, line 38 in L.D.) by striking out the following: "public;" and inserting in its place the following: 'public.'

COMMITTEE AMENDMENT

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Further amend the bill in section 10 in subsection 16 by striking out all of paragraph E.

Further amend the bill in section 14 in that part designated "§317." in subsection 1 in paragraph G-1 in the 5th and 6th lines (page 8, lines 12 and 13 in L.D.) by striking out the following: "except events held in the State House or adjoining state office buildings."

Further amend the bill in section 15 in subsection 1 in the next to the last line (page 9, line 50 in L.D.) by striking out the following: "unintentional or that there are other" and inserting in its place the following: 'due to'

Further amend the bill in section 16 by striking out all of that part designated "§320." and inserting in its place the following:

'§320. Disposition of fees

All fees collected pursuant to this chapter shall be used by the Secretary of State for the administration of this chapter must go to the General Fund. The Secretary of State may use these fees to hire personnel to serve at his pleasure and to assist him in administering this chapter. All personnel hired to assist the Secretary of State in administering this chapter serve at the pleasure of the Secretary of State.

The Secretary of State shall, no later than December November 15th of the year prior to any proposed change, establish the amount of the registration fee required to be paid pursuant to section 313 for the subsequent year. ~~Such fees shall be established on a basis that will generate sufficient revenue to administer the filing and reporting requirements of this chapter but such fees shall not, in any case, unreasonably exceed the amount necessary to administer the filing and reporting requirements of this chapter. All fees collected under this chapter as in effect on December 31, 1975, are to be used in all respects as though they were originally collected pursuant to this chapter. Fees collected in any one year may be used in the same or any succeeding year to administer this chapter and such funds shall not lapse.~~

Further amend the bill in by striking out all of section 17 and inserting in its place the following:

'Sec. 17. 3 MRSA §321, sub-§7 is enacted to read:

7. Review reports for completeness. The Secretary of State may reject reports that are incomplete.

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Further amend the bill by inserting after section 19 the following:

Sec. 20. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1993-94	1994-95
SECRETARY OF STATE, DEPARTMENT OF THE		
Elections and Commissions		
Positions	(1)	(1)
Personal Services	\$29,437	\$38,437
All Other	7,294	9,966
Provides funds for a Lobbyist Registrar position and general operating expenses including funds to publish the Lobbyist Disclosure reports.		
DEPARTMENT OF THE SECRETARY OF STATE		
TOTAL	\$36,731	\$48,323

Sec. 21. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1993-94	1994-95
SECRETARY OF STATE, DEPARTMENT OF THE		
Lobbyist Registration		
Positions	(-1)	(-1)
Personal Services	(\$29,437)	(\$38,357)
All Other	(7,294)	(9,966)
Deallocates funds as a result of the transfer of a Lobbyist Registrar position and general operating expenses to the General Fund.		
DEPARTMENT OF THE SECRETARY OF STATE		
TOTAL	(\$36,731)	(\$48,323)

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2 Further amend the bill by renumbering the sections to read
consecutively.

4 Further amend the bill by inserting at the end before the
6 statement of fact the following:

8
10 **FISCAL NOTE**
12
14 **1993-94 1994-95**

APPROPRIATIONS/ALLOCATIONS			
14	General Fund	\$36,731	\$48,323
16	Other Funds	(36,731)	(48,323)

REVENUES			
20	General Fund	\$36,731	\$48,323
22	Other Funds	(36,731)	(48,323)

24 Undedicating fees collected by the Department of the
26 Secretary of State from lobbyists will increase General Fund
revenues by \$36,731 in fiscal year 1993-94 and \$48,323 in fiscal
28 year 1994-95 and decrease dedicated revenues to the Department of
the Secretary of State by the same amounts.

30 The Department of the Secretary of State will require
32 additional General Fund appropriations of \$36,731 and \$48,323 in
fiscal years 1993-94 and 1994-95, respectively, for a Lobbyist
34 Registrar position and general operating expenses to publish the
lobbyist disclosure reports.

36 The Department of the Secretary of State will require
38 deallocations of \$36,731 and \$48,323 in fiscal years 1993-94 and
1994-95, respectively, due to the reductions of dedicated revenue.

40 The bill increases penalties for failure to file a lobbyist
42 registration or report and the increases of dedicated revenues
can not be determined at this time.

44 The additional work load and administrative costs associated
46 with the minimal number of new cases filed in the court system
can be absorbed within the budgeted resources of the Judicial
Department. The collection of additional fines may increase
48 General Fund revenues by a minor amount.'

2 STATEMENT OF FACT

4 The amendment makes several technical changes and also does
the following:

6 1. Expands the definition of person to include the
8 University of Maine, the Maine Maritime Academy and compensated
members or employees of boards and commissions listed in the
10 Maine Revised Statutes, Title 5, chapter 379;

12 2. Removes the exception for events held in the State House
or adjoining state office buildings;

14 3. Clarifies mitigating circumstance for the waiver of
16 fines;

18 4. Undedicates the fees collected by the Secretary of State
for administration of the Maine Revised Statutes, Title 3,
20 chapter 15 and returns them to the General Fund;

22 5. Removes rule-making authority; and

24 6. Adds the necessary fiscal note.

Reported by the Committee on State and Local Government
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